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10 *Attorneys for Court-Appointed Monitor,*

Thomas W. McNamara

11
12 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
13

14 THOMAS W. MCNAMARA, as the Court-
Appointed Monitor for AMG Capital
15 Management, LLC; BA Services LLC; Black
Creek Capital Corporation; Broadmoor Capital
16 Partners, LLC; Park 269, LLC; C5 Capital
LLC; DF Services Corp.; DFTW Consolidated
17 [UC] LLC; Impact BP LLC; Level 5 Apparel
LLC; Level 5 Capital Partners LLC; Level 5
18 Eyewear LLC; Level 5 Motorsports, LLC;
Level 5 Scientific LLC; NM Service Corp.
19 (f/k/a/ National Money Service); PSB Services
LLC; Real Estate Capital LLC (f/k/a/ Rehab
20 Capital I, LLC); Sentient Technologies; ST
Capital LLC; Westfund LLC; Eclipse
21 Renewables Holdings LLC; Scott Tucker
Declaration of Trust, dated February 20, 2015;
22 West Race Cars, LLC; and Level 5
Management LLC; and their successors,
23 assigns, affiliates, and subsidiaries,

24 Plaintiff,

25 v.

26 LINDA HALLINAN, an individual;
CAROLYN HALLINAN, an individual;
DOES I-X; and ROE CORPORATIONS I-X,

27 Defendants.
28

Case No. 2:17-cv-02967-GMN-PAL

**STIPULATION FOR PROTECTIVE
ORDER**

1 Pursuant to Federal Rule of Civil Procedure 26(c), the stipulating parties, through
2 undersigned counsel, jointly submit this stipulated Protective Order to govern the handling of
3 information and materials produced in the course of discovery or filed with the Court in this
4 action.

5 The Federal Rules of Civil Procedure grants the Court authority to impose reasonable
6 limitations on the use, scope and timing of discovery and to otherwise control the discovery
7 process. Fed. R. Civ. P. 26(c). This includes the ability to grant protective orders to protect
8 sensitive and confidential information. *See id.*; *Montgomery vs. Etreppeid Technologies, LLC*,
9 3:06-CV-0056-PMP VPC, 2009 WL 465941 (D. Nev. Feb. 25, 2009) (“Rule 26 further provides
10 that protective orders may be entered to limit the scope of a deposition and to require that highly
11 sensitive or confidential information is maintained as confidential.”).

12 The Court may enter a protective order upon a showing of good cause. *Phillips ex rel.*
13 *Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002); *see also Foltz v. State Farm*
14 *Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130 (9th Cir. 2003). Here, there is good cause for the entry
15 of the Protective Order as follows:

16 Thomas W. McNamara, as the Court-Appointed Monitor in *Federal Trade Commission*
17 *v. AMG Services, Inc.*, Case No. 2:12-cv-00536-GMN-VCF (D. Nev.), anticipates producing
18 certain information and documents that contain consumer financial data that is relevant to the
19 action. Examples of confidential information may include but are not limited to personal
20 information in employee records, executed agreements containing confidentiality clauses, etc. In
21 particular, this information can include consumer’s account records, addresses, and other
22 personal identifying information.

23 The stipulating parties agree that these records should be protected and thus request entry
24 of a protective order to ensure that this confidential information is not disclosed to any person
25 who does not need the information for the purposes of pursuing or defending the claims of this
26 case who has stated that they approve of the form of the protective order. Any unauthorized
27 disclosure of confidential information or documents in violation of the protective order is subject
28 to discipline by the contempt powers of this Court.

1 It is the intent of the stipulating parties and the Court that information will not be
2 designated as confidential for tactical reasons in this case and that nothing shall be designated
3 without a good faith belief that there is good cause why it should not be part of the public record
4 of this case. Additionally, consumers' privacy interests must be safeguarded. Accordingly, the
5 parties respectfully submit that there is good cause for the entry of the attached proposed
6 Protective Order (Exhibit A), pursuant to Federal Rule of Civil Procedure 26(c).

7 Dated: October 19, 2018

Dated: October 19, 2018

8 McNAMARA SMITH LLP

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9 By: s/ Logan D. Smith

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21 IT IS SO ORDERED:

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24 UNITED STATES MAGISTRATE JUDGE

25 DATED: October 23, 2018
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